



HOUSE OF REPRESENTATIVES

HB 2383

~~supreme court, reports, website posting~~

NOW: public records; law enforcement

Prime Sponsor: Representative Farnsworth E, LD 12

DPA

S/E Committee on Judiciary

DPA

Caucus and COW

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As Transmitted to the Governor

OVERVIEW

HB 2383 addresses the release of information related to victims and witnesses.

PROVISIONS

1. Requires the petitioner in a special action for the release of records to establish that the disclosure of a record containing a visual depiction of a minor witness or a victim outweighs the victim or witness's right to privacy.
2. Grants a victim whose image is depicted in a record the right to be present and be heard in any disclosure action.
3. Prohibits the disclosure of a witness's *personal identifying information* contained in records that are created or received by a law enforcement or prosecution agency and that are related to a criminal investigation or prosecution unless:
 - a. The witness consents in writing;
 - b. A court orders the disclosure; or
 - c. The witness's address is the location where the crime occurred.
4. Exempts records that are:
 - a. Transmitted between law enforcement and prosecution agencies, a court or court clerk, or
 - b. Any provision of law governing discovery or trial conduct.
5. Defines *personal identifying information*.

CURRENT LAW

[A.R.S. § 39-121](#) requires public records to be made available for inspection to any person during office hours. [A.R.S. § 39-121](#) requires all officers and public bodies to maintain all records that are reasonably necessary or appropriate to keep an accurate knowledge of their official activities and of any activities supported by monies of the state or a political subdivision. The statute states that public bodies and officers are responsible for preservation, maintenance and care of their public records. Any person may request to view or receive copies of any public record. [A.R.S. § 39-121.02](#) provides a process for a person whose request is denied to seek relief through a special action to the superior court. If the person substantially prevails in the action, the withholding entity may be required to pay the prevailing party's attorney fees and legal costs. Any person who is wrongfully denied access to public records has a cause of action against the entity that withheld the records for any damages that resulted from the denial.